



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,697	04/26/2007	Martin Heinbrodt	10191/4475	4997
26646 7590 08/14/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
AHMED, ENAM				
ART UNIT		PAPER NUMBER		
2112				
MAIL DATE		DELIVERY MODE		
08/14/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,697

Applicant(s)

HEINEBRODT ET AL.

Examiner

ENAM AHMED

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Non – Final

The Examiner has spoken with Attorney Aaron Deditch regarding this case, and acknowledges the fact that there was a preliminary amendment filed on 3/20/06, in which claims 1-6 were cancelled and new claims 7-15 were added, however these set of claims were not examined, and instead the original set of claims 1-6 which was also filed on 3/20/06 were examined. The Examiner has taken this into consideration, and is issuing a new office action which reflects the most current preliminary amendment with claims 7-15, and apologizes for any inconvenience this may have caused.

35 U.S.C. 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-8 and 13 are rejected under 35 U.S.C. 102(b) over Michaels-Krohn et al. (U.S. Patent No. 4,700,020).

With respect to claim 7, the Michaels-Krohn et al. reference teaches an enabling device (column 7, lines 6-12); a device for checking a data integrity of data transmitted from a sender side to a receiver side of the data transmission path (column 7, lines 6-12); a first data modification device located on the sender side (column 7, lines 13-26); a second data modification device located on the receiver side, the first data modification device and the second data modification device each have the same transmission function effecting a modification of input data into output data and are connected to the data transmission path (column 8, lines 45-62); and a comparator located on the receiver side and connected to the data transmission path and the second data modification device (column 7, lines 32-44), wherein: the comparator compares the output data supplied by the first data modification device and the second data modification device via the data transmission path (column 7, lines 32-44), and the comparator activates the enabling device when the output data of the first data modification device and the second modification device are identical (column 7, lines 41-44), and a transmission of the input data, generated on the sender side, to the first data modification device and a transmission of identical input data to the second data modification device via the data transmission path occur on the data transmission path (column 7, lines 13-26).

With respect to claim 8, the Michaels-Krohn et al. reference teaches wherein the input data are sent essentially simultaneously in a direction of the first and the second data modification devices (column 7, lines 13-26).

With respect to claim 13, the Michaels-Krohn et al. reference teaches modifying input data into first output data by a first data modification device having a transmission function (column 7, lines 13-26); supplying the first output data to a comparator via the data transmission path (column 7, lines 32-44); supplying, via the data transmission path, the identical input data to a second data modification device having the same transmission function (column 8, lines 45-62); modifying the identical input data into second output data by the second data modification device (column 8, lines 45-62); supplying the second output data to the comparator (column 7, lines 32-44); and outputting by the comparator an activation signal when the first and the second output data are identical (column 7, lines 41-44).

35 U.S.C. 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaels-Krohn et al. (U.S. Patent No. 4,700,020) in view of Nakatsugawa (U.S. Patent No. 6,470,012).

With respect to claim 9, all of the limitations of claim 7 have been addressed. The Michaels-Krohn et al. reference does not teach wherein the data transmission path includes at least one communication channel corresponding to a CAN (Controller Area Network) communication channel. The Nakatsugawa reference teaches wherein the data transmission path includes at least one communication channel corresponding to a CAN (Controller Area Network) communication channel (column 8, lines 8-14). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined the references Michaels-Krohn et al. and Nakatsugawa to incorporate wherein the data transmission path includes at least one communication channel corresponding to a CAN (Controller Area Network) communication channel into the claimed invention. The motivation for wherein the data transmission path includes at least one communication channel corresponding to a CAN (Controller Area Network) communication channel is for overall improved system performance.

With respect to claim 10, the Michaels-Krohn et al. reference teaches wherein the output data generated by the first data modification device and the input data supplied to the second data modification device are transmitted via a common communication channel of the data transmission path (column 8, lines 45-62).

With respect to claims 14 and 15, all of the limitations of claims 13 and 7 have been addressed. The Michaels-Krohn et al. reference does not teach wherein the data transmission path is in a motor vehicle. The Nakatsugawa reference teaches wherein the data transmission path is in a motor vehicle (column 13, line 66 – column 14, line 10). Thus, it would have been

obvious to one of ordinary skill in the art at the time of the invention was made to have combined the references Michaels-Krohn et al. and Nakatsugawa to incorporate wherein the data transmission path is in a motor vehicle into the claimed invention. The motivation for wherein the data transmission path is in a motor vehicle is for improved system performance.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaels-Krohn et al. (U.S. Patent No. 4,700,020) in view of Brown (U.S. Patent No. 4,852,680).

With respect to claim 11, all of the limitations of claim 7 have been addressed. The Michaels-Krohn et al. reference does not teach wherein the enabling device enables an operation of an actuator. The Brown reference teaches wherein the enabling device enables an operation of an actuator (column 27, line 44 – column 28, line 2). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined the references Michaels-Krohn et al. and Brown to incorporate wherein the enabling device enables an operation of an actuator into the claimed invention. The motivation for wherein the enabling device enables an operation of an actuator is for improved system performance.

With respect to claim 12, all of the limitations of claim 7 have been addressed. The Michaels-Krohn et al. reference does not teach wherein the actuator includes a brake. The Brown reference teaches wherein the actuator includes a brake (column 27, line 44 – column 28, line 2). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined the references Michaels-Krohn et al. and Brown to incorporate

wherein the actuator includes a brake into the claimed invention. The motivation for wherein the actuator includes a brake is for improved system performance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enam Ahmed whose telephone number is 571-270-1729. The examiner can normally be reached on Mon-Fri from 8:30 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman, can be reached on 571-272-3644.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EA

8/12/09

/MUJTABA K CHAUDRY/

Primary Examiner, Art Unit 2112